

Declaration of Jason Groppe Exhibit 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CASE NO.: 1:15-cv-01382-AT

LUXOTTICA GROUP S.p.A., an Italian
corporation,

Plaintiffs,

v.

GREENBRIAR MARKETPLACE II, LLC, a
Georgia limited liability company, 2925
PROPERTIES, LLC, a Georgia limited liability
company D/B/A GREENBRIAR DISCOUNT
MALL, ALBERT ASHKOUTI, PATRICK
SWINDALL, KIMBERLY SWINDALL,
LAWRENCE STERLING, LISA STERLING,
individually,

Defendants.

DECLARATION OF JASON GROPE PURSUANT TO 28 U.S.C. § 1746

1. My name is Jason Groppe. I am licensed to practice law in the State of Ohio, I am over the age of 21 years, and I am fully competent to make this Declaration. The facts stated in this Declaration are within my personal knowledge.




2. I am in-house Counsel for Plaintiff Luxottica Group S.p.A. (hereinafter "Luxottica Group") in the above-captioned lawsuit, and I have acted in this capacity since joining Luxottica Group. I am also responsible, in part, for Luxottica Group's trademark and anti-counterfeiting efforts in the United States. As a result, I am fully familiar with most aspects of the manufacture, sale, and distribution of authentic Ray-Ban products, including accessories.

3. Luxottica Group is an Italian corporation with its principal place of business in Milan, Italy. Luxottica Group was founded more than fifty years ago as a family-run business in

Italy. Since then, Luxottica Group has engaged in the manufacture, marketing and sale of premium, luxury and sports eyewear throughout the world. Luxottica Group's proprietary brands include Ray-Ban, Oakley, Vogue Eyewear, Persol, Oliver Peoples, Alain Mikli and Arnette.

4. Luxottica Group's Ray-Ban products are distributed and sold through its optical and sun specialty retail stores, authorized retail and department stores, and via its internet website, including www.ray-ban.com throughout the United States.

5. Luxottica Group owns and has used a variety of federally registered trademarks in connection with the advertisement and sale of its products, including Ray-Ban. Those trademarks are identified below (hereinafter collectively referred to as the "Ray-Ban Trademarks"):

Registration Number	Trademark	Good and Services
650,499		FOR: SUNGLASSES, SHOOTING GLASSES, AND OPHTHALMIC LENSES, IN CLASS 26.
1,080,886	RAY-BAN	FOR: OPHTHALMIC PRODUCTS AND ACCESSORIES – NAMELY, SUNGLASSES; EYEGLASSES; SPECTACLES; LENSES AND FRAMES FOR SUNGLASSES, EYEGLASSES, SPECTACLES – IN CLASS 9.
1,093,658		FOR: OPHTHALMIC PRODUCTS AND ACCESSORIES – NAMELY, SUNGLASSES; EYEGLASSES; SPECTACLES; LENSES AND FRAMES FOR SUNGLASSES, EYEGLASSES, SPECTACLES AND GOGGLES; AND CASES AND OTHER PROTECTIVE COVERS FOR SUNGLASSES, EYEGLASSES, SPECTACLES– IN CLASS 9.
1,320,460		FOR: SUNGLASSES AND CARRYING CASES THEREFOR, IN CLASS 9.
1,490,305	RAY-BAN	FOR: CLOTHING, NAMELY, TSHIRTS, IN CLASS 25.

1,726,955		FOR: FOR: BAGS; NAMELY, TOTE, DUFFLE AND ALL PURPOSE SPORTS BAGS, IN CLASS 18. FOR: CLOTHS FOR CLEANING OPHTHALMIC PRODUCTS, IN CLASS 21. FOR: CLOTHING AND HEADGEAR; NAMELY, HATS, IN CLASS 25.
2,718,485	RAY-BAN	FOR: GOODS MADE OF LEATHER AND IMITATION LEATHER, NAMELY, WALLET, CARD CASES FOR BUSINESS CARDS, CALLING CARDS, NAME CARDS AND CREDIT CARDS, IN CLASS 18. FOR: CLOTHING FOR MEN AND WOMEN, NAMELY, POLO SHIRTS; HEADGEAR, NAMELY, BERETS AND CAPS.
3,522,603		FOR: SUNGLASSES, EYEGLASSES, LENSES FOR EYEGLASSES, EYEGLASSES FRAMES, CASES FOR EYEGLASSES, IN CLASS 9.

6. Luxottica Group has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting the Ray-Ban Trademarks. As a result, products bearing the Ray-Ban Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high quality products sourced from Luxottica Group, and have acquired strong secondary meaning. Ray-Ban products have also become among the most popular sunglasses in the world, with Luxottica Group's fashion, luxury and sport eyewear net global sales exceeding \$9.5 billion dollars in 2013. Luxottica Group continues to invest substantial sums in promoting its products and services offered under its brands, including the Ray-Ban Trademarks.

7. These registrations¹¹ are valid, subsisting, in full force and effect, and many have become incontestable pursuant to 15 U.S.C. § 1065. These registrations constitute prima facie evidence of their validity and conclusive evidence of Luxottica Group's exclusive right to use the

¹¹ All registrations originally held in the name of Luxottica Group's predecessor's owner of the Ray-Ban Trademarks, Bausch and Lomb were assigned in full to Luxottica Group in 1999.

Ray-Ban Trademarks in connection with the goods identified therein and other commercial goods. The registrations also provide sufficient notice to each of the Defendants in this lawsuit of Luxottica Group's ownership and exclusive rights. The Ray-Ban Trademarks qualify as famous marks, as that term is used in 15 U.S.C. § 1125 (c)(1). The Ray-Ban Trademarks at issue in this case have been continuously used and have never been abandoned. The documents attached to this Declaration as **Exhibit A**, contain true and correct copies of the registrations of the Ray-Ban Trademarks at issue in this case.

8. For decades the Luxottica name has symbolized the highest standard in product performance, workmanship, materials and distinctive design as well as Luxottica's willingness to stand behind its product. The style and quality of Luxottica products is legendary. Counterfeit eyewear, sunglasses and accessories hurt Luxottica's reputation because Luxottica is unable to ensure the quality of the products bearing the Luxottica trademarks. Purchaser confidence is undermined where, for example, the name Ray-Ban no longer identifies a consistent level of quality.

9. Purchasers are less likely to consider Luxottica's Ray-Ban as a prestigious brand if others can own what appears to be an authentic Luxottica product at considerably less than the price of the authentic product. By contributing to and facilitating the promotion and sale of goods bearing Luxottica's Trademarks, Defendants have improperly capitalized on and damaged the goodwill associated with Luxottica's brand names.

10. Over the years, Luxottica has undertaken efforts to ensure that no other entity uses, or obtains a federal trademark for a mark that is confusingly similar to the Luxottica Trademarks, including sending cease and desist letters, filing letters of protest with the Patent

and Trademark Office objecting to the registration of certain marks, and, when necessary, filing lawsuits to protect the Luxottica Trademarks.

11. I have reviewed the photographs attached hereto as **Exhibit B**. These photographs were produced to me by Luxottica's investigator, Geanie Johansen from Phoenix Consulting and Investigations, Inc. in connection with Luxottica's investigation of the Greenbriar Discount Mall. Each photograph contains at least one or more items that bear counterfeits of Luxottica's Ray-Ban Trademarks.

12. Based upon my review of the items depicted in these photographs and others, I have determined that the sunglasses are counterfeit because the Ray-Ban trademarks affixed to the sunglasses, covers and packaging are either incorrect or inconsistent with the Ray-Ban marks found on authentic Ray-Ban merchandise.

13. Defendants in this lawsuit have no license, authority, or other permission from Luxottica Group to use any of the Ray-Ban Trademarks in connection with the advertising, promoting, distributing, selling, and/or offering for sale of any products.

14. As demonstrated above, Defendants have been engaging in the above described illegal counterfeiting and infringing activities knowingly and intentionally or with reckless disregard or willful blindness to Luxottica Group's rights, or with bad faith, for the purpose of trading on the goodwill and reputation of the Ray-Ban Trademarks and Ray-Ban products.

15. Defendants activities, as described above, are likely to create a false impression and deceive consumers, the public, and the trade into believing that there is a connection or association between the counterfeit products and Luxottica Group.

16. Luxottica Group is highly likely to suffer irreparable injury to its reputation among consumers unless the Defendants' infringing activity is stopped, as well as substantial damages as a result of Defendants' activities.

17. For decades the Ray-Ban name has symbolized the highest standard in product performance, workmanship, materials and distinctive design as well as Luxottica Group's willingness to stand behind its products. The style and quality of Ray-Ban products is legendary. Counterfeit sunglasses and accessories hurt Luxottica Group's reputation because Luxottica Group is unable to ensure the quality of the products bearing the Ray-Ban trademarks. Purchaser confidence is undermined where the name Ray-Ban no longer identifies a consistent level of quality.

18. Purchasers are less likely to consider Ray-Ban as a prestigious brand if others can own what appears to be an authentic Ray-Ban product at considerably less than the price of the authentic product. Defendants' use of the Ray-Ban Trademarks in association with their counterfeit products improperly capitalizes on and damages the goodwill associated with the Ray-Ban name.

I declare pursuant 28 U.S.C. § 1746 and under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on December 8, 2015.



JASON GROPE

Exhibit A

Int. Cl.: 9

Prior U.S. Cl.: 26

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 650,499

Registered Aug. 20, 1957

Renewal Term Begins Aug. 20, 1997

TRADEMARK
PRINCIPAL REGISTER

Ray-Ban

BAUSCH & LOMB INCORPORATED
(NEW YORK CORPORATION)
ONE BAUSCH & LOMB PLACE
ROCHESTER, NY 14601, BY CHANGE OF
NAME FROM BAUSCH & LOMB OPTI-
CAL COMPANY (NEW YORK CORPO-
RATION) ROCHESTER, NY

OWNER OF U.S. REG. NOS. 361,875
AND 418,054.

FOR: SUN GLASSES, SHOOTING
GLASSES, AND OPHTHALMIC LENSES,
IN CLASS 26 (INT. CL. 9).

FIRST USE 4-0-1938; IN COMMERCE
4-0-1938.

SER. NO. 72-018,292, FILED 10-29-1956.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Sep. 9, 1997.*

United States Patent Office

650,499
Registered Aug. 20, 1957

PRINCIPAL REGISTER Trademark

Ser. No. 18,292, filed Oct. 29, 1956



Bausch & Lomb Optical Company (New York corporation)
635 St. Paul St.
Rochester 2, N. Y.

For: SUN GLASSES, SHOOTING GLASSES, AND
OPHTHALMIC LENSES, in CLASS 26.
First use April 1938; in commerce April 1938.
Owner of Reg. Nos. 361,875 and 418,054.



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 8

Serial #: 72018292

Filing Dt: 10/29/1956

Reg #: 650499

Reg. Dt: 08/20/1957

Registrant: BAUSCH & LOMB OPTICAL COMPANY

Mark: RAY.BAN

Assignment: 1

Reel/Frame: 0075/0022

Recorded: 03/02/1961

Pages: 3

Conveyance: CHANGE OF NAME 19600331

Assignor: BAUSCH & LOMB OPTICAL COMPANY, INCORPORATED MAR. 20, 1908.

Exec Dt: 02/28/1961

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: BAUSCH & LOMB INCORPORATED

Entity Type: UNKNOWN

Citizenship: NONE

Correspondent: BAUSCH & LOMB INC.
PATENT DEPT.
ROCHESTER 2, NY

Assignment: 2

Reel/Frame: 2035/0187

Recorded: 02/04/2000

Pages: 10

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: BAUSCH & LOMB INCORPORATED

Exec Dt: 11/15/1999

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: LUXOTTICA LEASING S.P.A.
VIA VALCOZZENA
AGORDO (BELLUNO), ITALY 32021

Entity Type: CORPORATION

Citizenship: ITALY

Correspondent: ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
MICHAEL A. GROW
1050 CONNECTICUT AVE., NW
WASHINGTON, DC 20036

Assignment: 3

Reel/Frame: 3203/0851

Recorded: 04/29/2005

Pages: 5

Conveyance: CHANGE IN LEGAL STATUS

Assignor: LUXOTTICA LEASING S.P.A.

Exec Dt: 05/10/2004

Entity Type: CORPORATION

Citizenship: ITALY

Assignee: LUXOTTICA LEASING S.R.L.
VIA VALCOZZENA 10
AGORDO (BL), ITALY 32021

Entity Type: LIMITED LIABILITY ITALY

Citizenship: NONE

Correspondent: MICHAEL A. GROW
ARENTE FOX PLLC
1050 CONNECTICUT AVENUE NW
WASHINGTON, DC 20036

Assignment: 4

Reel/Frame: 3155/0893

Recorded: 04/29/2005

Pages: 8

Conveyance: NUNC PRO TUNC ASSIGNMENT

Assignor: LUXOTTICA LEASING S.R.L.

Exec Dt: 02/28/2005

Entity Type: LIMITED LIABILITY CO

Citizenship: ITALY

Assignee: KILLER LOOP EYEWEAR S.R.L.

VIA VALCOZZENA 10

AGORDO (BL), ITALY 32021

Entity Type: LIMITED LIABILITY CO

Citizenship: ITALY

Correspondent: MICHAEL A. GROW

ARENT FOX PLLC

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Assignment: 5

Reel/Frame: 3205/0429

Recorded: 10/06/2005

Pages: 6

Conveyance: CHANGE IN LEGAL STATUS

Assignor: KILLER LOOP EYEWEAR S.R.L.

Exec Dt: 02/28/2005

Entity Type: LIMITED LIABILITY CO

Citizenship: NONE

Assignee: KILLER LOOP EYEWEAR S.P.A.

VIA VALCOZZENA 10

AGORDO (BL), ITALY 32021

Entity Type: UNKNOWN

Citizenship: NONE

Correspondent: MICHAEL A. GROW

ARENT FOX PLLC

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Assignment: 6

Reel/Frame: 3230/0499

Recorded: 01/19/2006

Pages: 11

Conveyance: MERGER

Assignor: KILLER LOOP EYEWEAR S.P.A.

Exec Dt: 09/16/2005

Entity Type: CORPORATION

Citizenship: ITALY

Assignee: LUXOTTICA S.R.L.

VIA VALCOZZENA, 10

32021 AGORDO (BL), ITALY

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Correspondent: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Assignment: 7

Reel/Frame: 3695/0294

Recorded: 01/14/2008

Pages: 9

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: LUXOTTICA S.R.L.

Exec Dt: 12/20/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Assignee: LUXOTTICA GROUP S.P.A.

VIA CESARE CANTU, 2

20123 MILAN (MI), ITALY

Entity Type: CORPORATION

Citizenship: NONE

Correspondent: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Assignment: 8

Reel/Frame: 3972/0361

Recorded: 04/17/2009

Pages: 8

Conveyance: LICENSE

Assignor: LUXOTTICA GROUP S.P.A.

Exec Dt: 12/03/2008

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Assignee: LUXOTTICA S.R.L.

VIA VALCOZZENA 10
32021 AGORDO BL, ITALY

Correspondent: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW
ARENT FOX LLP
WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW

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WASHINGTON, DC 20036

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Int. Cl.: 9

Prior U.S. Cl.: 26

United States Patent Office

Reg. No. 1,080,886

Registered Jan. 3, 1978

TRADEMARK

Principal Register

RAY-BAN

Bausch & Lomb Incorporated (New York corporation)
1400 N. Goodman St.
Rochester, N.Y. 14602

For: OPHTHALMIC PRODUCTS AND ACCESSORIES — NAMELY, SUNGLASSES; SHOOTING GLASSES; EYEGLASSES; SPECTACLES; GOGGLES; LENSES AND FRAMES FOR SUNGLASSES, SHOOTING GLASSES, EYEGLASSES, SPECTACLES AND GOGGLES; AND CASES AND OTHER PROTECTIVE

COVERS FOR SUNGLASSES, SHOOTING GLASSES, EYEGLASSES, SPECTACLES AND GOGGLES—in CLASS 9 (U.S. CL. 26).

First use on or about Apr. 6, 1937; in commerce on or about Apr. 6, 1937.

Owner of Reg. Nos. 361,875, 418,054 and 650,499.

Ser. No. 125,945, filed May 9, 1977.

G. DOUGLAS HOHEIN, Examiner



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 7

Serial #: 73125945

Filing Dt: 05/09/1977

Reg #: 1080886

Reg. Dt: 01/03/1978

Registrant: BAUSCH & LOMB INCORPORATED

Mark: RAY-BAN

Assignment: 1

Reel/Frame: 2035/0187

Recorded: 02/04/2000

Pages: 10

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: BAUSCH & LOMB INCORPORATEDAssignee: LUXOTTICA LEASING S.P.A.

VIA VALCOZZENA

AGORDO (BELLUNO), ITALY 32021

Exec Dt: 11/15/1999

Entity Type: CORPORATION

Citizenship: NEW YORK

Entity Type: CORPORATION

Citizenship: ITALY

Correspondent: ARENT FOX KINTNER PLOTKIN & KAHN, PLLC

MICHAEL A. GROW

1050 CONNECTICUT AVE., NW

WASHINGTON, DC 20036

Assignment: 2

Reel/Frame: 3203/0851

Recorded: 04/29/2005

Pages: 5

Conveyance: CHANGE IN LEGAL STATUS

Assignor: LUXOTTICA LEASING S.P.A.Assignee: LUXOTTICA LEASING S.R.L.

VIA VALCOZZENA 10

AGORDO (BL), ITALY 32021

Exec Dt: 05/10/2004

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY ITALY

Citizenship: NONE

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Assignment: 4

Reel/Frame: 3205/0429

Recorded: 10/06/2005

Pages: 6

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Assignment: 5

Reel/Frame: 3230/0499

Recorded: 01/19/2006

Pages: 11

Conveyance: MERGER

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Assignee: LUXOTTICA S.R.L.

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Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Exec Dt: 09/16/2005

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Exec Dt: 12/20/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Entity Type: CORPORATION

Citizenship: NONE

Exec Dt: 12/03/2008

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW
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WASHINGTON, DC 20036

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Int. Cl.: 9

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Reg. No. 1,093,658

United States Patent and Trademark Office

Registered June 20, 1978

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Owner of Reg. Nos. 361,875, 418,054, and 650,499.

Ser. No. 125,695, filed May 9, 1977.



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Trademark Assignment Abstract of Title

Total Assignments: 6

Serial #: 73125695

Filing Dt: 05/09/1977

Reg #: 1093658

Reg. Dt: 06/20/1978

Registrant: BAUSCH & LOMB INCORPORATED

Mark: RAY-BAN

Assignment: 1

Reel/Frame: 2035/0187

Recorded: 02/04/2000

Pages: 10

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Entity Type: CORPORATION

Citizenship: NEW YORK

Entity Type: CORPORATION

Citizenship: ITALY

Assignment: 2

Reel/Frame: 3203/0851

Recorded: 04/29/2005

Pages: 5

Conveyance: CHANGE IN LEGAL STATUS

Assignor: LUXOTTICA LEASING S.P.A.Assignee: LUXOTTICA LEASING S.R.L.

VIA VALCOZZENA 10

AGORDO (BL), ITALY 32021

Correspondent: MICHAEL A. GROW

ARENT FOX PLLC

1050 CONNECTICUT AVENUE NW

WASHINGTON, DC 20036

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Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY ITALY

Citizenship: NONE

Assignment: 3

Reel/Frame: 3155/0893

Recorded: 04/29/2005

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Exec Dt: 02/28/2005

Entity Type: LIMITED LIABILITY CO

Citizenship: ITALY

Entity Type: LIMITED LIABILITY CO

Citizenship: ITALY

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Reel/Frame: 3205/0429

Recorded: 10/06/2005

Pages: 6

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Assignee: KILLER LOOP EYEWEAR S.P.A.
VIA VALCOZZENA 10
AGORDO (BL), ITALY 32021

Correspondent: MICHAEL A. GROW
ARENT FOX PLLC
1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Exec Dt: 02/28/2005

Entity Type: LIMITED LIABILITY CO

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Assignment: 5

Reel/Frame: 3230/0499

Recorded: 01/19/2006

Pages: 11

Conveyance: MERGER

Assignor: KILLER LOOP EYEWEAR S.P.A.

Assignee: LUXOTTICA S.R.L.
VIA VALCOZZENA, 10
32021 AGORDO (BL), ITALY

Correspondent: MICHAEL A. GROW
1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW
1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Exec Dt: 09/16/2005

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Assignment: 6

Reel/Frame: 3695/0294

Recorded: 01/14/2008

Pages: 9

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: LUXOTTICA S.R.L.

Assignee: LUXOTTICA GROUP S.P.A.
VIA CESARE CANTU, 2
20123 MILAN (MI), ITALY

Correspondent: MICHAEL A. GROW
1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW
1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Exec Dt: 12/20/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Entity Type: CORPORATION

Citizenship: NONE

Search Results as of: 06/19/2015 11:29 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350; v.2.5
Web Interface last modified: July 25, 2014 v.2.5

Int. Cl.: 9

Prior U.S. Cl.: 26

United States Patent and Trademark Office

Reg. No. 1,320,460

Registered Feb. 19, 1985

TRADEMARK
Principal Register



Bausch & Lomb Incorporated (New York
corporation)
1400 N. Goodman St.
Rochester, N.Y. 14692

For: SUNGLASSES AND CARRYING CASES
THEREFOR, in CLASS 9 (U.S. Cl. 26).

First use Jun. 1971; in commerce Jun. 1971.

Owner of U.S. Reg. Nos. 361,875, 418,054,
650,499, 1,080,886 and 1,093,658.

Ser. No. 468,836, filed Mar. 5, 1984.

JAMES H. JOHNSON, Examining Attorney



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 7

Serial #: 73468836

Filing Dt: 03/05/1984

Reg #: 1320460

Reg. Dt: 02/19/1985

Registrant: Bausch & Lomb Incorporated

Mark: RAY.BAN

Assignment: 1

Reel/Frame: 2035/0187

Recorded: 02/04/2000

Pages: 10

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: BAUSCH & LOMB INCORPORATEDAssignee: LUXOTTICA LEASING S.P.A.

VIA VALCOZZENA

AGORDO (BELLUNO), ITALY 32021

Correspondent: ARENT FOX KINTNER PLOTKIN & KAHN, PLLC

MICHAEL A. GROW

1050 CONNECTICUT AVE., NW

WASHINGTON, DC 20036

Exec Dt: 11/15/1999

Entity Type: CORPORATION

Citizenship: NEW YORK

Entity Type: CORPORATION

Citizenship: ITALY

Assignment: 2

Reel/Frame: 3203/0851

Recorded: 04/29/2005

Pages: 5

Conveyance: CHANGE IN LEGAL STATUS

Assignor: LUXOTTICA LEASING S.P.A.Assignee: LUXOTTICA LEASING S.R.L.

VIA VALCOZZENA 10

AGORDO (BL), ITALY 32021

Correspondent: MICHAEL A. GROW

ARENT FOX PLLC

1050 CONNECTICUT AVENUE NW

WASHINGTON, DC 20036

Exec Dt: 05/10/2004

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY ITALY

Citizenship: NONE

Assignment: 3

Reel/Frame: 3155/0893

Recorded: 04/29/2005

Pages: 8

Conveyance: NUNC PRO TUNC ASSIGNMENT

Assignor: LUXOTTICA LEASING S.R.L.Assignee: KILLER LOOP EYEWEAR S.R.L.

VIA VALCOZZENA 10

AGORDO (BL), ITALY 32021

Correspondent: MICHAEL A. GROW

ARENT FOX PLLC

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Exec Dt: 02/28/2005

Entity Type: LIMITED LIABILITY CO

Citizenship: ITALY

Entity Type: LIMITED LIABILITY CO

Citizenship: ITALY

Assignment: 4

Reel/Frame: 3205/0429

Recorded: 10/06/2005

Pages: 6

Conveyance: CHANGE IN LEGAL STATUS
Assignor: KILLER LOOP EYEWEAR S.R.L.

Assignee: KILLER LOOP EYEWEAR S.P.A.
 VIA VALCOZZENA 10
 AGORDO (BL), ITALY 32021

Correspondent: MICHAEL A. GROW
 ARENT FOX PLLC
 1050 CONNECTICUT AVENUE, NW
 WASHINGTON, DC 20036

Assignment: 5

Reel/Frame: 3230/0499

Recorded: 01/19/2006

Pages: 11

Conveyance: MERGER

Assignor: KILLER LOOP EYEWEAR S.P.A.

Assignee: LUXOTTICA S.R.L.
 VIA VALCOZZENA, 10
 32021 AGORDO (BL), ITALY

Correspondent: MICHAEL A. GROW
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 WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW
 1050 CONNECTICUT AVENUE, NW
 WASHINGTON, DC 20036

Assignment: 6

Reel/Frame: 3695/0294

Recorded: 01/14/2008

Pages: 9

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: LUXOTTICA S.R.L.

Assignee: LUXOTTICA GROUP S.P.A.
 VIA CESARE CANTU, 2
 20123 MILAN (MI), ITALY

Correspondent: MICHAEL A. GROW
 1050 CONNECTICUT AVENUE, NW
 WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW
 1050 CONNECTICUT AVENUE, NW
 WASHINGTON, DC 20036

Assignment: 7

Reel/Frame: 3972/0361

Recorded: 04/17/2009

Pages: 8

Conveyance: LICENSE

Assignor: LUXOTTICA GROUP S.P.A.

Assignee: LUXOTTICA S.R.L.
 VIA VALCOZZENA 10
 32021 AGORDO BL, ITALY

Correspondent: MICHAEL A. GROW
 1050 CONNECTICUT AVENUE, NW
 ARENT FOX LLP

Exec Dt: 02/28/2005

Entity Type: LIMITED LIABILITY CO

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Exec Dt: 09/16/2005

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Exec Dt: 12/20/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Entity Type: CORPORATION

Citizenship: NONE

Exec Dt: 12/03/2008

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW
1050 CONNECTICUT AVENUE, NW
ARENT FOX LLP
WASHINGTON, DC 20036

Search Results as of: 06/19/2015 11:29 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5

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Int. Cls.: 5, 6, 8, 9, 11, 16, 18, 21, 25 and 28

Prior U.S. Cls.: 2, 3, 13, 18, 21, 22, 23, 25, 26,
29, 37 and 39

Reg. No. 1,726,955

United States Patent and Trademark Office Registered Oct. 27, 1992

TRADEMARK
PRINCIPAL REGISTER

Ray-Ban

BAUSCH & LOMB INCORPORATED (NEW
YORK CORPORATION)
ONE LINCOLN FIRST SQUARE
ROCHESTER, NY 14604

FOR: MEDICATED LIP BALM, IN CLASS 5
(U.S. CL. 18).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: METAL KEY CHAINS, IN CLASS 6
(U.S. CLS. 13 AND 25).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: HAND HELD TOOLS; NAMELY,
SCREWDRIVERS, IN CLASS 8 (U.S. CL. 23).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: OPHTHALMIC PRODUCTS AND AC-
CESSORIES; NAMELY, CORDS FOR USE ON
SUNGLASSES, SHOOTING GLASSES, EYE-
GLASSES, SPECTACLES AND GOGGLES, IN
CLASS 9 (U.S. CL. 26).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: FLASHLIGHTS, IN CLASS 11 (U.S. CL.
21).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: COIN HOLDERS, IN CLASS 16 (U.S.
CL. 37).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: UMBRELLAS AND BAGS; NAMELY,
TOTE, DUFFLE AND ALL PURPOSE SPORTS
BAGS, IN CLASS 18 (U.S. CL. 3).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: ALL PURPOSE PORTABLE HOUSE-
HOLD CONTAINERS AND FOR CLOTHS FOR
CLEANING OPHTHALMIC PRODUCTS, IN
CLASS 21 (U.S. CLS. 2 AND 29).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: CLOTHING AND HEADGEAR;
NAMELY, HATS AND SWEATBANDS, IN
CLASS 25 (U.S. CL. 39).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

FOR: SPORTS BALLS, IN CLASS 28 (U.S. CL.
22).

FIRST USE 1-0-1991; IN COMMERCE
1-0-1991.

OWNER OF U.S. REG. NOS. 361,875, 1,517,253
AND OTHERS.

SER. NO. 74-173,643, FILED 6-6-1991.

LAURA SMITH, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 5

Serial #: 74173643

Filing Dt: 06/06/1991

Reg #: 1726955

Reg. Dt: 10/27/1992

Registrant: BAUSCH & LOMB INCORPORATED

Mark: RAY-BAN

Assignment: 1

Reel/Frame: 2035/0187

Recorded: 02/04/2000

Pages: 10

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: BAUSCH & LOMB INCORPORATEDAssignee: LUXOTTICA LEASING S.P.A.

VIA VALCOZZENA

AGORDO (BELLUNO), ITALY 32021

Correspondent: ARENT FOX KINTNER PLOTKIN & KAHN, PLLC

MICHAEL A. GROW

1050 CONNECTICUT AVE., NW

WASHINGTON, DC 20036

Exec Dt: 11/15/1999

Entity Type: CORPORATION

Citizenship: NEW YORK

Entity Type: CORPORATION

Citizenship: ITALY

Assignment: 2

Reel/Frame: 3155/0893

Recorded: 04/29/2005

Pages: 8

Conveyance: NUNC PRO TUNC ASSIGNMENT

Assignor: LUXOTTICA LEASING S.R.L.Assignee: KILLER LOOP EYEWEAR S.R.L.

VIA VALCOZZENA 10

AGORDO (BL), ITALY 32021

Correspondent: MICHAEL A. GROW

ARENT FOX PLLC

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Exec Dt: 02/28/2005

Entity Type: LIMITED LIABILITY CO

Citizenship: ITALY

Entity Type: LIMITED LIABILITY CO

Citizenship: ITALY

Assignment: 3

Reel/Frame: 3205/0429

Recorded: 10/06/2005

Pages: 6

Conveyance: CHANGE IN LEGAL STATUS

Assignor: KILLER LOOP EYEWEAR S.R.L.Assignee: KILLER LOOP EYEWEAR S.P.A.

VIA VALCOZZENA 10

AGORDO (BL), ITALY 32021

Correspondent: MICHAEL A. GROW

ARENT FOX PLLC

1050 CONNECTICUT AVENUE, NW

WASHINGTON, DC 20036

Exec Dt: 02/28/2005

Entity Type: LIMITED LIABILITY CO

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Assignment: 4

Reel/Frame: 3230/0499

Recorded: 01/19/2006

Pages: 11

Conveyance: MERGER

Assignor: KILLER LOOP EYEWEAR S.P.A.

Assignee: LUXOTTICA S.R.L.

VIA VALCOZZENA, 10
32021 AGORDO (BL), ITALY

Correspondent: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Assignment: 5

Reel/Frame: 3695/0294

Recorded: 01/14/2008

Pages: 9

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: LUXOTTICA S.R.L.

Assignee: LUXOTTICA GROUP S.P.A.

VIA CESARE CANTU, 2
20123 MILAN (MI), ITALY

Correspondent: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Exec Dt: 12/20/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Entity Type: CORPORATION

Citizenship: NONE

Search Results as of: 06/19/2015 11:29 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350, v.2.5
Web interface last modified: July 25, 2014 v.2.5

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,522,603

United States Patent and Trademark Office

Registered Oct. 21, 2008

TRADEMARK
PRINCIPAL REGISTER



LUXOTTICA S.R.L. (ITALY LIMITED LIABILITY
COMPANY)

VIA VALCOZZENA, 10

32021 AGORDO (BL), ITALY

FOR: SUNGLASSES, EYEGLASSES, LENSES FOR
EYEGLASSES, EYEGLASSES FRAMES, CASES FOR
EYEGLASSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36
AND 38).

FIRST USE 6-27-1999; IN COMMERCE 6-27-1999.

PRIORITY CLAIMED UNDER SEC. 44(D) ON
ITALY APPLICATION NO. BO2006C00012, FILED 1-
31-2006.

OWNER OF U.S. REG. NOS. 361,875, 1,093,658,
AND OTHERS.

THE COLOR(S) RED AND WHITE IS/ARE
CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDS "RAY-
BAN" IN STYLIZED WHITE LETTERING ON A RED
BACKGROUND RECTANGLE.

SN 78-843,120, FILED 3-22-2006.

NORA BUCHANAN WILL, EXAMINING ATTOR-
NEY



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 2Serial #: 78843120

Filing Dt: 03/22/2006

Reg #: 3522603

Reg. Dt: 10/21/2008

Registrant: Luxottica S.r.l.

Mark: RAY-BAN

Assignment: 1Reel/Frame: 3893/0674

Recorded: 11/26/2008

Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: LUXOTTICA S.R.L.

Exec Dt: 11/24/2008

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Entity Type: CORPORATION

Citizenship: ITALY

Assignee: LUXOTTICA GROUP S.P.A.

VIA CESARE CANTU, 2

MILAN, ITALY 20123

Correspondent: MICHAEL A. GROW

1050 CONNECTICUT AVENUE NW

WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW

1050 CONNECTICUT AVENUE NW

WASHINGTON, DC 20036

Assignment: 2Reel/Frame: 3972/0361

Recorded: 04/17/2009

Pages: 8

Conveyance: LICENSE

Assignor: LUXOTTICA GROUP S.P.A.

Exec Dt: 12/03/2008

Entity Type: CORPORATION

Citizenship: ITALY

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Assignee: LUXOTTICA S.R.L.

VIA VALCOZZENA 10

32021 AGORDO BL, ITALY

Correspondent: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW

ARENT FOX LLP

WASHINGTON, DC 20036

Domestic rep: MICHAEL A. GROW

1050 CONNECTICUT AVENUE, NW

ARENT FOX LLP

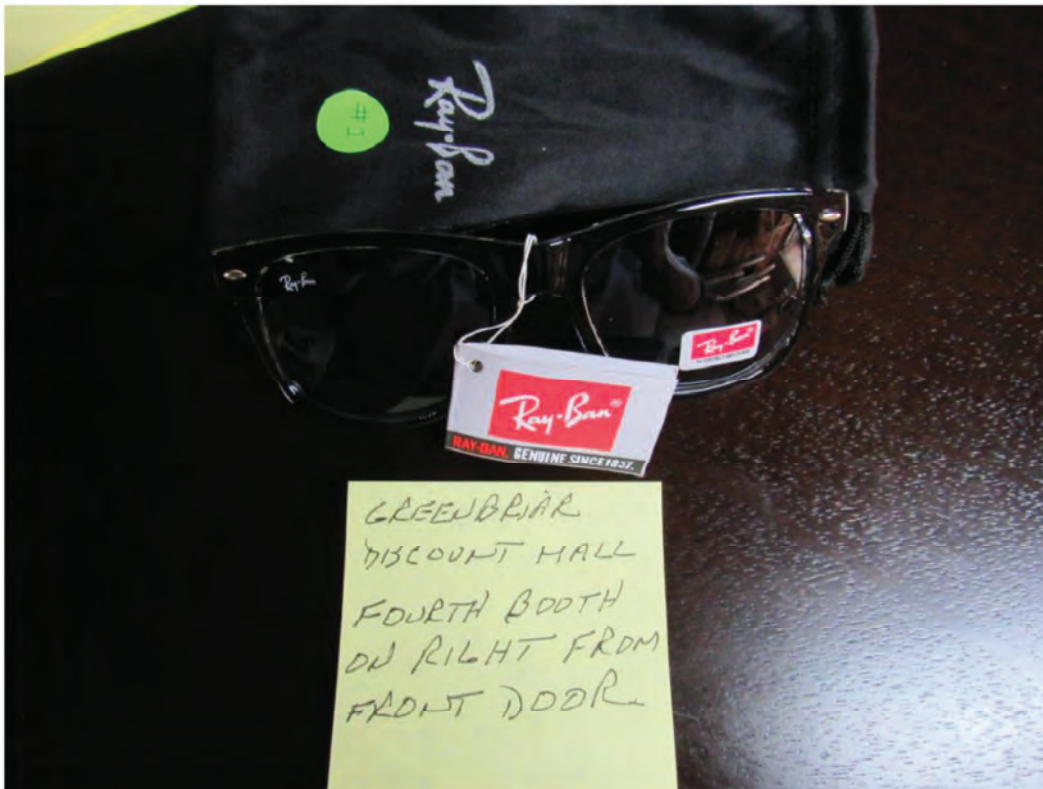
WASHINGTON, DC 20036

Search Results as of: 06/19/2015 11:34 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5

Web Interface last modified: July 25, 2014 v.2.5

Exhibit B



Photograph of sample Ray Ban merchandise purchased by Phoenix's undercover agent from business located inside Greenbriar Discount Mall, from the right side entrance, the first aisle, fourth business on the right for \$20.00 on Monday, March 30, 2015.



Photograph of sample Ray Ban merchandise purchased by Phoenix's undercover agent from business located inside Greenbriar Discount Mall, on aisle C, second business on left, for \$20.00 on Monday, March 30, 2015.



Photograph of sample Ray Ban merchandise purchased by Phoenix's undercover agent from business located inside Greenbriar Discount Mall, on aisle C, second business found selling counterfeit Ray Ban on aisle, for \$20.00 on Monday, March 30, 2015.



Photograph of sample Ray Ban merchandise purchased by Phoenix's undercover agent from business located inside Greenbriar Discount Mall on the back aisle identified as being M.J. Fashions, for \$20.00 on Monday, March 30, 2015.

Photograph #1
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Three sample pairs of counterfeit Ray-Ban sunglasses purchased from two individual businesses at Greenbriar Discount Mall on April 23, 2015.

Photograph #2
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



First sample pair of sunglasses bearing Ray-Ban tradename that were purchased for \$15.00 from first of two businesses identified as selling merchandise suspected of being counterfeit at Greenbriar Discount Mall on April 23, 2015.

Photograph #3
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Side view of first sample pair of sunglasses bearing Ray-Ban tradename purchased from first of two businesses identified as selling counterfeit Ray-Ban merchandise at Greenbriar Discount Mall on April 23, 2015.

Photograph #4
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Inside right temple of first sample pair of sunglasses bearing Ray-Ban tradename purchased from first of two businesses identified as selling counterfeit Ray-Ban merchandise at Greenbriar Discount Mall on April 23, 2015.

Photograph #5
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Inside of nose pads of sample pair of sunglasses bearing Ray-Ban tradename purchased from second of two businesses identified as selling counterfeit merchandise at Greenbriar Discount Mall on April 23, 2015.

Photograph #6
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Second of two sample pair of sunglasses bearing Ray-Ban tradename that were purchased for \$10.00 from first of two businesses identified as selling merchandise suspected of being counterfeit at Greenbriar Discount Mall on April 23, 2015.

Photograph #7

Case Name: Luxottica Atlanta Sweep

Date Taken: April 23, 2015



Brand sticker placed on left lens as well as RB logo at top left corner of left lens of second of two sample pair of sunglasses bearing Ray-Ban tradename that were purchased for \$10.00 from first of two businesses identified as selling merchandise suspected of being counterfeit at Greenbriar Discount Mall on April 23, 2015.

Photograph #8

Case Name: Luxottica Atlanta Sweep

Date Taken: April 23, 2015



Ray-Ban's tradename placed on top right corner of right lens on second of two sample pair of sunglasses bearing Ray-Ban tradename that were purchased for \$10.00 from first of two businesses identified as selling merchandise suspected of being counterfeit at Greenbriar Discount Mall on April 23, 2015.

Photograph #9

Case Name: Luxottica Atlanta Sweep

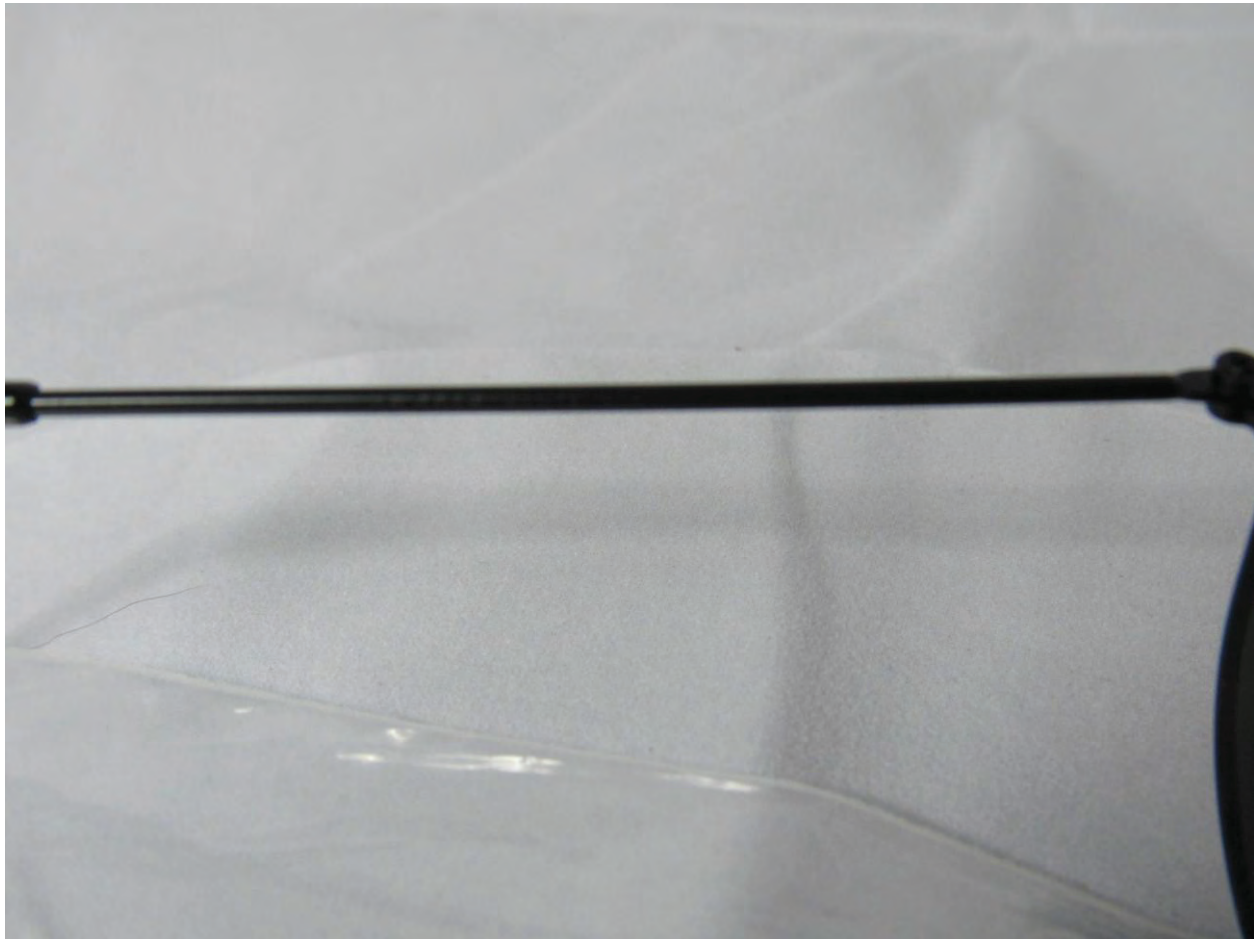
Date Taken: April 23, 2015



Inside of right temple on second of two sample pair of sunglasses bearing Ray-Ban tradename that were purchased for \$10.00 from first of two businesses identified as selling merchandise suspected of being counterfeit at Greenbriar Discount Mall on April 23, 2015.

Photograph #10
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Inside of left temple on second of two sample pair of sunglasses bearing Ray-Ban tradename that were purchased for \$10.00 from first of two businesses identified as selling merchandise suspected of being counterfeit at Greenbriar Discount Mall on April 23, 2015.

Photograph #10
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Inside of nose pads on second of two sample pair of sunglasses bearing Ray-Ban tradename that were purchased for \$10.00 from first of two businesses identified as selling merchandise suspected of being counterfeit at Greenbriar Discount Mall on April 23, 2015.

Photograph #11
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Sample pair of sunglasses bearing Ray-Ban tradename purchased from second of two businesses identified as selling counterfeit Ray-Ban merchandise at Greenbriar Discount Mall on April 23, 2015.

Photograph #12
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Side view of sample pair of sunglasses bearing Ray-Ban tradename purchased from second of two businesses identified as selling counterfeit Ray-Ban merchandise at Greenbriar Discount Mall on April 23, 2015.

Photograph #13
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Inside right temple of sample pair of sunglasses bearing Ray-Ban tradename purchased from second of two businesses identified as selling counterfeit merchandise at Greenbriar Discount Mall on April 23, 2015.

Photograph #14
Date Taken: April 23, 2015

Case Name: Luxottica Atlanta Sweep



Inside of left temple of sample pair of sunglasses bearing Ray-Ban tradename purchased from second of two businesses identified as selling counterfeit merchandise at Greenbriar Discount Mall on April 23, 2015.

